

1 By EB Johnson
2 Kurt R
3 Miller
4 Paul Ragdale

Joe Bentley

Craft

H. B. No. 292

A BILL TO BE ENTITLED

AN ACT

5 relating to the inclusion of fine arts projects in certain state
6 and public building construction projects through cooperation
7 with the Texas Fine Arts Commission; and declaring an emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 Section 1. When used in this Act, unless the context
10 requires a different definition:

11 (1) "State construction project" refers to any building
12 construction project undertaken by the State Building Commission
13 under the provisions of the State Building Construction
14 Administration Act.

15 (2) "Public construction project" includes any building
16 construction project constructed by and for the Department of
17 Mental Health and Mental Retardation, the Texas Youth Council,
18 the Texas Employment Commission, and the Texas Highway Department,
19 any building construction project constructed by and for the
20 Texas Department of Corrections, any building construction project
21 constructed by and for state institutions of higher education, and
22 any building construction project constructed by any county, city,
23 or other political subdivision of this state.

24 (3) "Original project cost estimate" means an estimate of
25 the cost of a building construction project by the State
26 Building Commission, exclusive of any expenses stipulated for
27 fine arts projects.

1 Sec. 2. The provisions of this Act apply to any state
2 construction project whose original project cost estimate exceeds
3 \$250,000, and to any public construction project whose estimated
4 cost exceeds \$250,000.

5 Sec. 3. (a) Any state department, commission, board, or
6 other agency which requests a project analysis from the State
7 Building Commission may stipulate that a percentage of the
8 original project cost estimate not to exceed one percent shall be
9 used for fine arts projects at or near the site of the building
10 construction project, such as murals, fountains, mosaics, and
11 other aesthetic improvements.

12 (b) If the expenditures for fine arts are authorized and
13 appropriated by the Legislature, the State Building Commission
14 shall consult and cooperate with the Texas Fine Arts Commission
15 for advice in determining how to utilize the portion of the
16 appropriation to be used for fine arts projects.

17 (c) It is the intent of the Legislature that emphasis be
18 placed on works by living Texas artists whenever this is feasible.
19 Consideration shall be given to artists of all ethnic origins.

20 (d) Nothing in this Act is intended to limit, restrict, or
21 otherwise prohibit the State Building Commission from including
22 expenditures for fine arts in its original project cost estimate.

23 Sec. 4. (a) Any state department, commission, board,
24 institution of higher education, or the governing body of any
25 county, city, or other political subdivision, may designate that
26 a percentage not to exceed one percent of the cost of a public
27 construction project shall be used for fine arts projects at or

1 near the site of the construction project.

2 (b) The department, commission, board, institution of
3 higher learning, or governing body of a political subdivision may
4 consult and cooperate with the Texas Fine Arts Commission for
5 advice in determining how to utilize the portion of the cost set
6 aside for fine arts purposes.

7 (c) The Fine Arts Commission shall place emphasis on works
8 by living Texas artists whenever this is feasible, and when
9 consulting with the governing body of a political subdivision,
10 shall place emphasis on works by artists who reside in or near
11 the political subdivision. Consideration shall be given to
12 artists of all ethnic origins.

13 Sec. 5. The importance of this legislation and the crowded
14 condition of the calendars in both Houses create an emergency and
15 an imperative public necessity that the Constitutional Rule
16 requiring bills to be read on three several days in each House be
17 suspended, and this Rule is hereby suspended; and that this Act
18 take effect and be in force from and after its passage, and it is
19 so enacted.

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FORM B
COMMITTEE REPORT

Date 3/29/13

HONORABLE PRICE DANIEL, JR.
Speaker of the House of Representatives.

Sir:

We, your Committee on State AFFAIRS, to whom was referred H.B. No. 292, have had the same under consideration and beg to report back with recommendation that it do pass, as amended.

The Committee recommends that this measure be considered for the Local and Consent Calendar.

~~House sponsor of Senate measure~~ _____

The measure was reported from Committee by the following record vote:

<u>14</u>	ayes
<u>0</u>	nays
<u>9</u>	present, not voting
<u> </u>	absent

David Fenney
Chairman.

This measure proposes new law.

SUMMARY OF COMMITTEE ACTION:

The Committee on STATE AFFAIRS posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 292 in a public hearing/~~on~~ on 3/19, 1973. The bill was referred to Sub-committee and reported back Favorably to the full committee with amendment(s) on 3/19, 1973. The Committee voted on 3/29, 1973 by a record vote of 14 ayes and 0 nays, to report the bill back to the House Favorably/~~Unfavorably~~ with the recommendation that it do/~~do not~~ ^{pass,} as amended.

~~This bill proposes new law by adding~~

Committee on State Affairs

BILL ANALYSIS

Background Information:

The author of H.B. No. 292 feels this bill would encourage public appreciation of the fine arts by emphasizing the works of Texas artists of all ethnic backgrounds.

What the Bill Proposes to Do:

To provide for the inclusion of fine arts projects in certain state and public building construction projects through cooperation with the Texas Commission on the Arts and Humanities.

Section by Section Analysis:

Section 1. Defines "state construction project," "public construction project," and "original project cost estimate".

Sec. 2. Provides that this Act applies to any state or public construction project whose estimated cost exceeds \$250,000.

Sec. 3. (a) Provides that any state agency requesting a State Building Commission project analysis may stipulate that an amount not to exceed 1% of the original project cost estimate be used for fine arts projects at or near the building construction site;

(b) Requires the SBC to cooperate with the Texas Commission on the Arts and Humanities in determining how to utilize funds appropriated by the legislature;

(c) Stipulates that the works of living Texas artists are to be favored, and that artists of all ethnic origins shall be given consideration;

(d) Declares that this Act is not intended to prohibit the SBC from including fine arts expenditures in its original project cost estimate.

Sec. 4. (a) Provides that any state agency or governing body of any political subdivision may designate an amount not greater than 1% of the cost of a public construction project to be used for fine arts projects at or near the construction site;

(b) Provides that any of the bodies designated in subsection (a), Sec. 4., may cooperate with the Texas Commission on the Arts and Humanities in determining how to utilize the amount set aside;

(c) Stipulates that the Texas Commission on the Arts and Humanities shall emphasize works by artists living in the area of the governing body of a political subdivision and that artists of all ethnic origins shall be given consideration.

Sec. 5. Emergency Clause.

Summary of Committee Action:

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 15, 1973

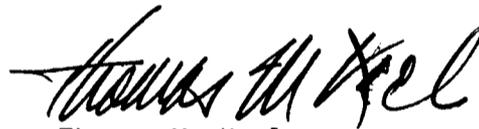
Honorable David Finney, Chairman
Committee on State Affairs
House of Representatives
Austin, Texas 78701

In Re: House Bill No. 292
By: Johnson, et al

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications and probable cost of House Bill No. 292 (relating to the inclusion of fine arts projects in certain state and public building construction projects) to be as follows:

1. The bill makes no appropriation and in and of itself would have no direct fiscal implication for the state.
2. Decisions regarding expenditure of state funds for fine arts projects in connection with construction projects would continue to reside with the Legislature and/or Boards and Commissions.



Thomas M. Keel
Legislative Budget Director

9

Johnson

COMMITTEE AMENDMENT NO. 1

Amend House Bill 292 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED AN ACT

relating to the inclusion of fine arts projects in certain state and public building construction projects through cooperation with the Texas Commission on the Arts and Humanities; and declaring an emergency.

APR 3 3

CS
RBT

DATE _____

READ AND ADOPTED

Dorothy Hillman

Chief Clerk

House of Representatives

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COMMITTEE AMENDMENT NO. _____

Amend House Bill 292 by substituting the words
" Texas Commission on the Arts and Humanities" whenever
the words " Texas Fine Arts Commission" or "Fine Arts
Commission" appear below the enacting clause.

*CR
RBT*

DATE APR 8 1961
READ AND ADOPTED
Joseph Holloman
Chief Clerk
House of Representatives

By: Johnson, et al

H.B. No. 292

A BILL TO BE ENTITLED

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18 Department of Corrections, any building construction project
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20 and any building construction project constructed by any county,
21 city, or other political subdivision of this state. _____

22 (3) "Original project cost estimate" means an estimate of
23 the cost of a building construction project by the State Building
24 Commission, exclusive of any expenses stipulated for fine arts
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1 Sec. 2. The provisions of this Act apply to any state
2 construction project whose original project cost estimate exceeds
3 \$250,000, and to any public construction project whose estimated
4 cost exceeds \$250,000. _____

5 Sec. 3. (a) Any state department, commission, board, or
6 other agency which requests a project analysis from the State
7 Building Commission may stipulate that a percentage of the original
8 project cost estimate not to exceed one percent shall be used for
9 fine arts projects at or near the site of the building construction
10 project, such as murals, fountains, mosaics, and other aesthetic
11 improvements. _____

12 (b) If the expenditures for fine arts are authorized and
13 appropriated by the Legislature, the State Building Commission
14 shall consult and cooperate with the Texas Commission on the Arts
15 and Humanities for advice in determining how to utilize the portion
16 of the appropriation to be used for fine arts projects. _____

17 (c) It is the intent of the Legislature that emphasis be
18 placed on works by living Texas artists whenever this is feasible.
19 Consideration shall be given to artists of all ethnic origins. _____

20 (d) Nothing in this Act is intended to limit, restrict,
21 or otherwise prohibit the State Building Commission from including
22 expenditures for fine arts in its original project cost estimate. _____

23 Sec. 4. (a) Any state department, commission, board,
24 institution of higher education, or the governing body of any
25 county, city, or other political subdivision, may designate that
26 a percentage not to exceed one percent of the cost of a public _____

1 construction project shall be used for fine arts projects at or
2 near the site of the construction project. _____

3 (b) The department, commission, board, institution of
4 higher learning, or governing body of a political subdivision may
5 consult and cooperate with the Texas Commission on the Arts and
6 Humanities for advice in determining how to utilize the portion
7 of the cost set aside for fine arts purposes. _____

8 (c) The Texas Commission on the Arts and Humanities shall
9 place emphasis on works by living Texas artists whenever this is
10 feasible, and when consulting with the governing body of a
11 political subdivision, shall place emphasis on works by artists
12 who reside in or near the political subdivision. Consideration
13 shall be given to artists of all ethnic origins. _____

14 Sec. 5. The importance of this legislation and the crowded
15 condition of the calendars in both houses create an emergency and
16 an imperative public necessity that the constitutional rule
17 requiring bills to be read on three several days in each house
18 be suspended, and this rule is hereby suspended; and that this
19 Act take effect and be in force from and after its passage, and
20 it is so enacted. _____

Austin, Texas

April 30, 1973

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS,
to which was referred H B. No.292, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.


Chairman WALLACE

CAS

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MAY 7 1973

ENROLLED

H.B. No. 292

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18 be suspended, and this rule is hereby suspended; and that this
19 Act take effect and be in force from and after its passage, and
20 it is so enacted.

President of the Senate

Speaker of the House

H.B. No. 292

I hereby certify that H.B. No. 292 was passed by the House on April 6, 1973, by a non-record vote.

Chief Clerk of the House

I hereby certify that H.B. No. 292 was passed by the Senate on May 3, 1973, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

5-15-73

Date

Signed

Governor

90 day bill

FILED IN THE OFFICE OF
SECRETARY OF STATE
4:45 PM

MAY 15 1973

.....
Secretary of State

By: Johnson, et al

H.B. No. 292

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of fine arts projects in certain state and public building construction projects through cooperation with the Texas Commission on the Arts and Humanities; and declaring an emergency.

- 1-29-73 Filed. _____
- 1-31-73 Read first time and referred to Committee on State Affairs. —
- 3-29-73 Reported favorably as amended, sent to printer. _____
- 3-30-73 Printed, distributed and referred to Committee on Calendars at 4:45 p.m. _____
- 4- 6-73 Read second time, amended and ordered engrossed by a non-record vote. _____
- 4- 6-73 Read third time and passed by a non-record vote. _____

Dorothy Hallman
Chief Clerk, H. of R.

- 4- 6-73 Sent to Engrossing Clerk. _____
- 4- 6-73 Engrossed. _____

Orea Guggin
Engrossing Clerk, H. of R.

APR 10 1973
RETURNED FROM ENGROSSING CLERK SENT TO DEBATE

APR 9 1973 Received from the House

* APR 9 1973 Read, referred to Committee on STATE AFFAIRS

MAY 1 1973 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Regular order of business suspended by (unanimous consent. _____ yeas, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 3 1973 Read second time MAY 3 1973 passed to third reading.

Caption ordered amended to conform to body of bill.

MAY 3 1973 Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

MAY 3 1973 Read third time and passed by (unanimous vote. 31 yeas, 0 nays.

OTHER ACTION:

* APR 16 1973

RE-REFERRED TO COMMITTEE ON INTERGOVERNMENTAL RELATIONS

Charles Schnabel

Secretary of the Senate

RETURNED FROM SENATE

MAY 3 1973

Tracy Hallman
Ch. Clerk, House of Representatives

MAY 3 1973 Returned to HOUSE

MAY 3 1973 SENT TO ENROLLING CLERK

H.B. No. 292

By Johnson, et al

A BILL TO BE ENTITLED
AN ACT

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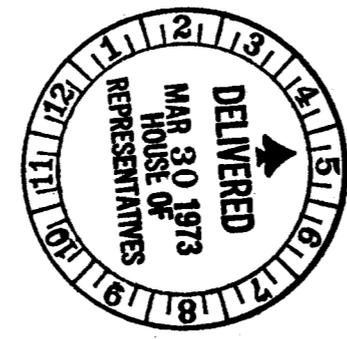
FILED JAN 29 1973

READ 1ST TIME
AND REFERRED TO COMMITTEE ON
State Affairs JAN 31 1973

*Fiscal note
requested 2/11/73
David Ferrey*

Dorothy Hallman
Chief Clerk, House of Representatives

MAR 29 1973 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER



APR 6 1973

SENT TO ENGROSSING CLERK

PRINTED 2:45 P.M. MAR 30 1973
REFERRED TO COMMITTEE ON CALENDARS
(Time) (Date)

APR 6 1973
READ SECOND

TIME amended AND

ORDERED _____ ENGROSSED

By non-record vote
Dorothy Hallman
Chief Clerk, House of Representatives

APR 6 1973

Read third time

and Passed

by following vote: non-record

Yays vote

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES